

### **Fluid Milk Substitutions in the School Nutrition Programs**

#### **Purpose:**

To implement a legislative provision on milk substitutes that is consistent with current regulations on menu exceptions for students with disabilities and adds requirements for the optional substitution of nondairy beverage for fluid milk for children with medical or special dietary needs in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP).

#### **Scope:**

Sponsors of the School Breakfast Program (SBP) and the National School Lunch Program (NSLP)

#### **Description:**

This final rule will amend 7 CFR 210.10(g) and 7CFR 220.8(d) to reorganize the existing meal variation requirements according to disability and non-disability reasons and add a paragraph on fluid milk substitutions for non-disability reasons.

The revisions and additions will:

- Continue the current requirements on meal variations for students with disabilities and for students with medical or other special dietary needs;
- Allow SFAs discretion to offer fluid milk substitutes to students with medical or other special dietary needs;
- Require that nondairy beverages offered as fluid milk substitutes be nutritionally equivalent to fluid milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B-12;
- Allow SFAs to accept a written statement from a parent or guardian in lieu of a statement from a recognized medical authority. The supporting statement must identify the student's medical or other special dietary need that precludes cow's milk;
- Allow SFAs discretion to select the acceptable substitutes that meet the nutritional standards established by this rule;
- Require SFAs to inform the State Agency when a school chooses to offer milk substitutes other than for students with a disability; and
- Require SFAs to pay for substitution expenses that exceed Federal meal reimbursements.

#### **Milk Substitutes**

If a school chooses to offer one or more substitutes for fluid milk for non-disabled students with medical or special dietary needs, the nondairy beverage(s) must provide the nutrients listed in the following table. Milk substitutes must be fortified in accordance with the fortification guidelines issued by the Food and Drug Administration.

<b><u>Nutrient</u></b>	<b><u>Per cup</u></b>
Calcium	276 mg.
Protein	8 g.
Vitamin A	500 IU.
Vitamin D	100 IU.
Magnesium	24 mg.
Phosphorus	222 mg.
Potassium	349 mg.
Riboflavin	0.44 mg
Vitamin B-12	1.1 mcg.

SFA's are encouraged to offer lactose-free milk in place of non-dairy beverages for lactose intolerant students. You may offer lactose-free milk without any documentation. There is no need to offer a fortified milk substitute to a student whose medical or special dietary need is lactose intolerance.

Offering fluid milk substitutions for children without medical or special dietary needs is discretionary and cost implications may be a valid reason for a SFA not to exercise this option. SFA's must inform the State Agency in writing if any of its schools elect to offer fluid milk substitutes other than for students with disabilities.

Soy milk is not at this time an acceptable substitute. Although some soy milks are fortified they are not nutritionally equivalent to milk.

**Source:** USDA Federal Register, dated September 12, 2008